

Justice Committee Meeting Minutes

The Justice Committee of the McLean County Board met on Monday, February 3, 2002 at 5:15 p.m. in Room 700 of the McLean County Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

Members Present: Chairman Renner, Members Nuckolls, Kinzinger, Rodgers, Johnson and Rackauskas

Members Absent: None

Staff Present: Mr. John Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator; Ms. Christine Northcutt County Administrator's Assistant

Department Heads/
Elected Officials

Present: Ms. Billie Larkin, Director, Children's Advocacy Center; Ms. Beth C. Kimmerling, Coroner; Ms. Sandra Parker, Circuit Clerk; Ms. Roxanne Castleman, Director, Court Services; Sheriff David Owens; Chief Deputy Derick Love, McLean County Sheriff's Department; Mr. Mike Gallagher, Information Services; Mr. William Yoder, State's Attorney; Ms. Amy David, Public Defender

Members of the

Public Present: Ms. Barbara Stuart, Alternatives to Jail Committee, League of Women Voters

Chairman Renner called the meeting to order at 5:16 p.m.

Chairman Renner placed the Justice Committee minutes of January 6 on file as presented.

Chairman Renner stated that at the January 22nd meeting, the League of Women Voters presented anecdotal, yet compelling information on the Alternatives to Jail Program. There are some comparisons that can be made between Tazewell and McLean Counties. Chairman Renner stated that the Administrator's Office and Court Services are preparing a report for the March Justice Committee meeting. He asked that the Committee Members be prepared to make an extra effort to read and digest all materials so that they may come up with a viable solution as quickly as possible.

Ms. Sandy Parker, Circuit Clerk, presented her monthly and annual statistical reports. She stated that all of the areas of the court (with the exception of Traffic Court) are starting 2003 with fewer pending cases than the previous year. The Committee had no further questions for her at this time.

Ms. Billie Larkin, Director, Children's Advocacy Center, presented the monthly statistical report for the Children's Advocacy Center. Ms. Larkin noted that she is compiling a year end statistical report that she will present at the next Committee Meeting. She mentioned that there is a CASA fund-raising Tip A VIP event scheduled for February 22, 2003 at Image Air. The Committee had no further questions for her at this time.

Ms. Beth C. Kimmerling, Coroner's Office, presented her monthly and annual reports. Ms. Rackauskas stated that she found the report very user friendly and helpful. Ms. Kimmerling stated that she has been questioned about the number of autopsies performed. She noted that there are state statues which dictate when an autopsy is to be performed. All of the autopsies performed in 2002 were State mandated. Ms. Kimmerling explained that, in her opinion, it has to do with the increase in population. As such, this community has experienced an increase in deaths typically seen in an urban setting, i.e., gang related shootings, drug overdoses and pedestrian vs. motor-vehicle incidents, etc. Ms. Kimmerling noted that McLean County continues to experience a high rate of suicide. Chief Deputy Coroner Barb Nafziger continues to be involved in the support group "*McLean County Survivors of Suicide*". Homicides have also increased.

Ms. Kimmerling noted that as of January 2003 Barb Nafziger was appointed to the position of Chief Deputy Coroner. Steve Knight and David Killian are now Deputy Coroners. Randy Wikoff, who has 15 years experience with the Bloomington Police Department, has been hired as a part-time Deputy Coroner. Ms. Rackauskas asked if there was a flat fee for autopsies. Ms. Kimmerling replied that there was a flat fee assessed and that a portion was paid to Dr. Mitchell and to his Assistant.

Ms. Roxanne Castleman, Director, Court Services Department, presented her monthly statistical reports for Court Services and for the Juvenile Detention Center. She noted that the Juvenile Detention Center has just received accreditation from the American Correctional Association. They have also received accreditation from the National Commission on Correctional Health Care. McLean County's Center is the only Juvenile Detention Center in the State that has dual accreditation. The Committee had no questions for Ms. Castleman.

Mr. Bill Gamblin, Director, E-911/ETSB, was not present at the meeting. His report is located on pages 52-58 in the Justice Committee packet.

Ms. Amy Davis, Public Defender, presented her monthly caseload report. She stated that she personally handled 89 cases in 2002. There has been an increase in cases. She stated there are three contract attorneys that the Committee should be familiar with: John Wright, Lee Ann Hill and Tony Tomkiewicz. Their contract calls for 7-8 cases per month.

Ms. Davis stated the misdemeanor attorneys in her office now handle simple felonies, due to the sizeable increase in felonies. The Committee had no questions for her.

Mr. William Yoder, State's Attorney stated that the number of felonies in January 2003 is significantly less than January of 2002. He said that he envisions that the numbers will continue to stay lower throughout the year allowing attorneys in his and Ms. Davis' offices to spend time on more serious felony offenses. Mr. Yoder stated that his office is trying to improve the child support numbers in 2003. The Committee had no questions at this time.

Sheriff David Owens, Sheriff's Department, asked Mr. Zeunik to present the first Item for Action. Mr. Zeunik stated that the Court Security Fund is a separate fund that was created pursuant to State Law. When it was originally established, the County was permitted to collect a Court Security Fee on all criminal cases including traffic cases. In the early 1990's the legislature changed the law allowing the fee to be assessed only on cases which required an appearance before a judge. When that happened, the County saw a dramatic decrease in Court Security Fee revenue. Prior to that time the Court Security Fee revenue funded Court Security Officers, replacement of x-ray screening equipment in the lobby and the magnetometer.

Mr. Zeunik stated that since the law was changed, each year in February, the revenues are compared to the expenses and the budget is amended to cover any shortfall. Mr. Owens stated there has been a deficit since the law changed (where there used to be a surplus). Sheriff Owens advised the Committee that he and Mr. Zeunik had talked about rolling this into the Sheriff's Department's budget, but there has been resistance from some of the Judges because they want to be sure that revenue went for Court Security. Every year this has to be manually balanced through an Emergency Appropriation.

Motion by Kinzinger/Johnson for an Emergency
Appropriation Ordinance Amending the McLean
County Fiscal Year 2002 Combined Annual Appropriation
And Budget Ordinance Court Security Fund 0141, Sheriff's
Department 0029 and the County General Fund 0001.
Motion Carried.

Sheriff Owens presented a verbal report on the Nextel cell phones. The Sheriff's Department purchased four cell phones at \$.99 each and a monthly fee of roughly \$35 per phone with a year's signed contract. Nextel also donated four phones for six months with unlimited use. Mr. Zeunik stated that the expense of these cell phones could be absorbed in the Sheriff's Department budget without an Emergency Appropriation at this point.

Chairman Renner explained to the Committee that the newly formed "Ad Hoc" Committee unanimously supported a recommendation providing the Sheriff's Department's Deputies with Nextel cell phones as an additional back-up until a decision is reached about the radio situation.

Mr. Nuckolls asked Sheriff Owens how many squad cars are out per shift on average. Sheriff Owens responded that there is anywhere between 4-8 squads on patrol, depending on illnesses, schooling, staff shortage, etc. Mr. Nuckolls asked if the cell phones were assigned to the cars rather than to the officers. Sheriff Owens responded that there will be procedures to follow that will insure accountability. He added that he initiated a new policy on the late shift. There will be two officers per car, whenever possible, because they had two failures in the radio system within a week.

Ms. Rackauskas asked if the 2-man squads resulted in only two cars out? Sheriff Owens replied that was true, but he doesn't trust the radio-system enough to only have one officer per car.

Mr. Owens presented the Adult Detention Center population report. He stated they are a bit better off this week than prior weeks. They still went over-population on the weekend. There are still problems with housing the female population. That particular population fluctuates and there is a higher number of female inmates than there used to be.

Ms. Rackauskas asked how the Sheriff's Department deals with that. Sheriff Owens responded that sometimes they move males out of cellblocks or they try to find housing in other counties. He invited any of the Board Members to take a tour of the facility. Ms. Rackauskas asked if it was against the law to be over-population. Sheriff Owens replied that it is against jail standards and they could be cited by the state for jail standards violation. If you had enough violations the Attorney General could bring litigation against the County to close the jail down.

Ms. Rackauskas asked what would happen if the jail was closed down. Sheriff Owens stated that this is very unlikely to ever happen. He stated they try to regulate the overcrowding by moving prisoners to other jail facilities in close proximity. Recently, they have had as many as 32 housed in other facilities and still slept 20 on the floor. It is not ideal, but they do the best they can. Ms. Rackauskas asked if most counties were in the same situation. Sheriff Owens replied that some counties, such as Dewitt and Ford Counties, do have bed space available on a regular basis. They have a contract with the U.S. Marshall's Office to house prisoners. When they are not housing Federal Prisoners, the McLean County Sheriff's Office has a better chance of getting a bed for its prisoners. Sheriff Owens, again, invited anyone who would be interested to tour the facilities. He stated they are proud of the facility, but they just don't have enough bed space. The Committee had no further questions for Sheriff Owens.

Mr. Mike Gallagher, Assistant Director, Information Services, presented a request for approval of an Intergovernmental Cooperation Agreement between the Village of Heyworth and McLean County. Chairman Renner asked Mr. Gallagher to explain the request. Mr. Gallagher replied this is for the use of Integrated Justice Information System data. It is similar to the agreement that the County has with LeRoy, Chenoa and most of the other rural cities and towns.

Motion by Kinzinger/Johnson to Approve the
Intergovernmental Agreement between the
Village of Heyworth and McLean County.
Motion Carried.

The Committee had no further questions for Mr. Gallagher.

Mr. John Zeunik, County Administrator, presented a request for Approval of an Emergency Appropriation Amending the McLean County Fiscal Year 2002 Combined Annual Appropriation and Budget Ordinance Public Defender's Office Violent Crime Defense Grant Fund 0149, Public Defender's Office 0021. Mr. Zeunik explained that this request is due to an accounting error. For a number of years, the Public Defender's Office was the recipient of a Violent Crime Defense Grant. That grant ended in 2001 so there were no expenditures budgeted in 2002 in the Grant Fund. The Justice Committee was asked, by the Public Defender, to continue the services. The program provided screening for individuals who could pay a fee and did not need the services of the Public Defender. It also provided an attorney on contract to handle extremely violent cases. The Justice Committee agreed to do that. The fees collected were counted as the County's match toward the Grant Fund. When the grant was closed out, there was still about \$67,000 in the fund balance. The Illinois Criminal Justice Information Authority agreed that that money belonged to the County. In the Public Defender's budget, we show a transfer of \$40,000 coming into the County's General Fund to support this program. Unfortunately that was not reflected in the Violent Crime Defense Grant Fund. This will allow the Auditor and Treasurer to close out Fiscal Year 2002.

Motion by Rackauskas/Nuckolls to Approve an Emergency
Appropriation Amending the McLean County Fiscal Year
2002 Combined Annual Appropriation and Budget Ordinance
Public Defender's Grant Fund 0149, Public Defender's Office
0021. Motion Carried.

The Committee had no further questions for Mr. Zeunik.

Chairman Renner asked if anyone had any other business or communications.

Ms. Rodgers asked for a status report on the Sheriff's Department radio situation.

Ms. Johnson said at the first "Ad Hoc" Committee meeting they received information that the Committee Members were to review and digest so that they could all become informed about the current radio system. Ms. Rodgers asked if the current system worked and if it could ever work. Chairman Renner stated that clearly it is inadequate, but the Committee does not know if the "Clear Talk" System is a permanent fix to the problem. Ms. Rodgers stated that she knows the rural public is not happy about the problems with the current system. Chairman Renner stated the "Ad Hoc" Committee is in search of a long-term solution.

Chairman Renner presented bills, as transmitted and recommended by the County Auditor, as of December 31, 2002, for review and approval by the Justice Committee.

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Motion by Kinzinger/Rodgers to recommend approval of the bills, as of December 31, 2002, as presented by the County Auditor. Motion carried.

Chairman Renner presented bills, as transmitted and recommended by the County Auditor, as of January 1, 2003, for review and approval by the Justice Committee.

Motion by Nuckolls/Kinzinger to recommend approval
Of the bills, as of January 1, 2003, as presented by the
County Auditor. Motion Carried.

Chairman Renner asked if there was anything else. Ms. Rackauskas replied that she would like to see the State's Attorney put together information regarding the Alternatives to Jail Program and how it is working in Tazewell County. She would like to see how McLean County could implement the same type of program. Mr. Zeunik stated that Chief Judge Freese has asked that prior to any report being presented to the Justice Committee in March, he would like for a meeting to be scheduled with all of the Justice Offices to review the report and to discuss whether or not this is viable for McLean County. Ms. Roxanne Castleman will present a report to the Justice Committee in March. Ms. Johnson asked if the Board Members could attend the meeting. Mr. Zeunik replied that this meeting is intended for the staff and the Court. Chairman Renner said the Committee should wait until the March meeting and review the information presented at that time.

Chairman Renner asked Mr. Zeunik to explain the work-release program to the Committee. Mr. Zeunik asked the Committee to look at page 67 in the Justice Committee packet. There is a six-month comparison of the average jail population. Mr. Zeunik explained that the two main categories are work release and weekenders. The weekenders are individuals who work "Monday – Friday", but spend their weekends in jail. From the perspective of the Sheriff, managing the ebb and flow of the jail population is sometimes difficult because, when someone is sentenced, the Sheriff, by order of the court, must have a bed for that individual. One of the comments that Sheriff Owens made is that when the weekenders or work release individuals spike up, he needs to find other beds for the people who are serving a straight sentence or who are on pre-trial. Perhaps, the weekenders and work release inmates could be issued electronic monitors. The court would have to be convinced that wearing the electronic monitor is as punitive as spending the weekend in jail.

Ms. Rackauskas asked if there were studies to compare electronic monitoring vs. spending the weekend in jail. Mr. Terry Lindberg replied that this is very situational.

Ms. Johnson asked if budget will be discussed in the meeting with the Judges and County Officials. Mr. Zeunik said he is sure that will be discussed. He stated that one of Judge Freese's concerns is that none of the County's current services/programs will be sacrificed for this program. Chairman Renner stated that it is hard to do budgetary trade-offs. Ms. Rodgers asked if line items can be moved from one fund to another. Mr. Zeunik replied that you have limited flexibility within a fund. You cannot reallocate from one fund to another.

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There being nothing further to come before the Committee at this time, Chairman Renner adjourned the meeting at 6:13 p.m.

Respectfully submitted,

Christine Northcutt
Recording Secretary